

# SPECIAL USE PERMIT



City of Wilmington, NC  
Planning Division

P. O. Box 1810, 305 Chestnut St, Wilmington, NC 28402  
Telephone: (910) 254-0900 FAX: (910) 341-3264

Version 9/8/17

## Section A. APPLICANT INFORMATION

Application is hereby made for a Special Use Permit to use the property at the address below for the indicated special use.

NAME OF APPLICANT/PETITIONER: JC3 Holdings, L.L.C. (Contact: Jeff Carney)

MAILING ADDRESS OF APPLICANT: P.O. Box 16045, Wilmington, NC 28408

PHONE NUMBER/E-MAIL OF APPLICANT: 765-271-3218 / jcarney@jc3scientific.com

### AUTHORIZED AGENT INFORMATION:

Name(s) Design Solutions (Contact: Cindee Wolf)

Address: P.O. Box 7221, Wilmington, NC 28406

Telephone: 910-620-2374 E-Mail Address: cwolf@lobodemar.biz

**PROPERTY INFORMATION:** The following information is required to provide the necessary information to process the Special Use Permit request:

ADDRESS OF REQUESTED SITE: 2323 Wrightsville Avenue

NHCO. PROPERTY IDENTIFICATION # (PIN): 312712.75.7466 [PID: R05412-001-003-000]

PROPOSED SPECIAL USE: New structure > 3000 s.f. GFA within the WACO district

CURRENT ZONING DISTRICT(S): CS (Commercial Services) / Proposed CB (CD) rezoning underway

TOTAL SITE ACRES/SQUARE FEET: 0.42 ac. / 18,139 s.f.

Special Use Permits add flexibility to the Land Development Code. Subject to high standards of planning and design, certain property uses may be allowed in several districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any adverse effects they might have on surrounding properties.

RECEIVED

FEB 14 2020

PLANNING DIVISION

SU-5-520 (CD-12-420)

Authority to grant Special Use Permits is found in Section 18-79 of the Land Development Code pursuant to North Carolina General Statutes 160A-381. The Land Development Code requires that the City Council, when granting a Special Use Permit to find that all four of the following factors found in Section 18-85(6) exist. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to convince the City Council that it can properly reach the four required conclusions:

- a. **That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the special use permit;**

The existing deteriorated structure will be removed, immediately improving the local safety. New construction will be made to current building standards. Service is available for public water & sanitary sewer utilities. The new driveway will be permitted by the City of Wilmington, and any missing or broken sidewalk panels will be replaced.

- b. **That the use meets all required conditions and specifications** (See Article 6 of the Land Development Code for Special Use prerequisites that must be met before a Special Use Permit may be granted);

The attached site plan has been designed in conformance with the code requirements of the Wrightsville Avenue Corridor Overlay, prescribed conditions for Commercial District Mixed-use, and all City technical standards. Full development plan review of the layout and details will be required prior to release for construction, thereby assuring full compliance.

- c. **That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and**

Redevelopment of this site will absolutely improve the aesthetics of the area immediately. Enhancement with landscaping and the overall maintenance of the property will be a benefit to surrounding property values. The location and character of the project would be much more in harmony with the general area thereby upgrading the form and function of an under-utilized site and maximizing land use efficiency.

- d. **That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the city's comprehensive plan and adopted special area plans (i.e. corridor plans, neighborhood plans, Wilmington Vision 2020: A Waterfront Downtown Plan, the CAMA plan).**

Although the Create Wilmington Comprehensive Plan failed to include the subject site in any Area of Opportunity, it is very near to other properties identified for "post-industrial & inner-city revitalization", and also a "live-work innovation zone." However, The Wrightsville Avenue Corridor Overlay strongly recommends zoning and land use changes, primarily to phase out the Commercial Services district. Neighborhood-scale commercial uses that generate minimal amounts of traffic, complement, and enhance the vicinities are encouraged.

---

## **Section C.** *SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION*

---

- ☐ Agent form if the applicant is not the property owner;
- ☐ Detailed project narrative describing the proposed site and request;
- ☐ Ten (10) 24" X 36" copies of the site plan and one (1) 11" X 17" of the site plan (See Section D below for the minimum amount of information required on the site plan);
- ☐ List of the names of owners, their addresses and the tax parcel numbers of the properties within 100 feet of the subject property, including those separated by a street right-of-way;
- ☐ Two sets of business-size envelopes pre-addressed to the property owners within 100 feet of the subject property with the City Planning Division's return address. All envelopes must have sufficient postage and **metered postage must be undated**. The department account number,

---

## **Section D.** *REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN*

---

- ☐ The present zoning classification(s) of the tract;
  - ☐ Adjoining property lines;
  - ☐ The location, height, size and location of structure(s);
  - ☐ Proposed use of land and structures.
  - ☐ Building elevation drawings;
  - ☐ Proposed planting areas including walls and fences and the treatment of any existing natural features;
  - ☐ The names and deed references of current adjoining property owners;
  - ☐ All existing easements, reservations, rights-of-way and all yards required for the zoning district requested;
  - ☐ General location of on-site utilities and proposed tie-in to existing public utilities (including water, sewer, culverts, drainage, etc);
  - ☐ General location and type of stormwater facilities;
  - ☐ Delineation of areas along streams on which the 100-year flood has been determined by the flood plain management regulations of the City of Wilmington;
    - For residential uses this shall include number of units and outline of area within which structures will be located.
    - For nonresidential uses, this shall include approximate square footage of structures and outline of area within which the structure(s) will be located;
    - Parking and circulation plan, showing location, arrangement and number of parking spaces and ingress and egress to adjacent areas;
  - ☐ Proposed dimension and number of signs and their locations;
  - ☐ Proposed phasing and approximate completion time of the project;
  - ☐ Survey of regulated and significant trees and the number of those trees existing, proposed for removal and reasons why those trees will be removed;
-

**OWNER'S SIGNATURE\*:** *In filing this application for a special use permit I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Design Solutions / Cindee Wolf to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.*

Signature/Date: \_\_\_\_\_

Jeff Carney – JC3 Holdings, L.L.C.

02/13/20

DATE RECD: 2-14-20  
PLANNER: PD  
CASE FILE #: SU-5-S-28  
FEE PAID \$: 810.00



### AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned owner(s) JC3 Holdings, L.L.C. do(es) hereby appoint Cindee Wolf / Design Solutions as his, her, or it's exclusive agent for the purpose of petitioning the City of Wilmington for: a) a change to the zoning map; b) approval of a Special Use Permit; c) approval of a Conditional District rezoning; d) petition for a Street Closing as applicable to the property described in the attached petition

The owner does hereby covenant and agree with the City of Wilmington that said agent has the authority to do the following acts on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials;
- (2) To appear at public meetings to give representation and commitments on behalf of the owner; and
- (3) In the case of a special use permit, to accept conditions or recommendations made for the issuance of the special use permit on the owners' property.
- (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 02/13/20

Agent's Name, Address & Telephone:

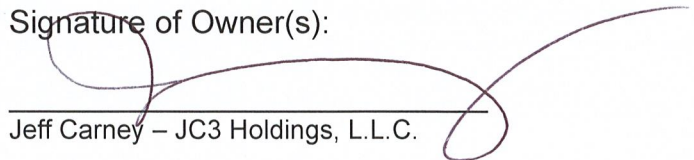
Cindee Wolf / Design Solutions

P.O. Box 7221

Wilmington, NC 28406

Tel. 910-620-2374

Signature of Owner(s):

  
Jeff Carney – JC3 Holdings, L.L.C.



Proposed  
Conditional District  
Rezoning of  
2323 Wrightsville Ave.  
& p/o public R/W  
from CS to CB (CD)  
23,206 s.f. +/-

MF-M

CS

WACO

Wrightsville Ave

R-5

Spofford Cir

MF-M (SD)



Legal Description for  
Conditional District Rezoning of  
2323 Wrightsville Avenue &  
Part of the Adjacent Right-of-Way

Beginning at a point in the northern boundary of Wrightsville Avenue, a 70' public right-of-way; said point being the southwestern corner of "Lot 180 – Section 4 - Spofford Subdivision," a plat recorded among the land records of the New Hanover County Registry in Map Book 6, at Page 50; and running thence from said point of beginning:

North 09°18'26" East, 67.20 feet to a point; thence  
North 59°47'26" East, 150.88 feet to a point; thence  
South 80°41'34" East, 28.60 feet to a point; thence  
South 19°18'26" West, 198.92 feet to a point in the centerline of Wrightsville Avenue, passing  
the northern right-of-way at 163.92 feet; thence with that centerline,  
North 80°24'34" West, 145.00 feet to a point; thence  
North 09°18'26" East, 35.00 feet to the point and place of beginning, containing 23,204 square  
feet, or 0.53 acres, more or less.

Being also described as Lots 178, 179 and 180 in Section 4 of Spofford Subdivision.

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

I, HERWARD M. PICKELL, REGISTERED PROFESSIONAL ENGINEER, HAVE EXAMINED THE ABOVE MAP AND CERTIFY THAT THE SAME IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY, MADE ON OR ABOUT MARCH 30, 1957, AND IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

HERWARD M. PICKELL, P.E.  
STATE OF NORTH CAROLINA

SUBSCRIBED BEFORE ME THIS 18th DAY OF APRIL, 1957, BY THE ABOVE ENGINEER, HERWARD M. PICKELL, P.E., FOR THE COUNTY OF GREENVILLE, SOUTH CAROLINA. LET THIS MAP WITH THE CERTIFICATE OF THE ENGINEER BE A PART OF THIS DEED. WITNESS MY HAND THIS 18th DAY OF APRIL, 1957.

*John A. ...*  
NEW HANOVER COUNTY, N.C.

NORTH CAROLINA  
NEW HANOVER COUNTY  
FILED FOR REGISTRATION AT 1230 A.M. ON APRIL 18, 1957, BY THE CLERK OF THE SUPERIOR COURT OF NEW HANOVER COUNTY, N.C., IN BOOK PAGE 6 AT PAGE 50. THIS 18th DAY OF APRIL, 1957.

*John A. ...*  
REGISTERED DEEDS  
NEW HANOVER COUNTY, N.C.

RECOMMENDED BY THE CITY PLANNING BOARD OF THE CITY OF GREENVILLE, SOUTH CAROLINA, FOR THE CITY ENGINEER'S APPROVAL OF THE CITY ENGINEER'S OFFICE OF THE CITY OF GREENVILLE, SOUTH CAROLINA, ON APRIL 18, 1957.

ATTESTED BY  
*May H. ...*  
CITY CLERK

STREET ALIGNMENT AND LOCATION ARE APPROVED BY ME THIS 18th DAY OF APRIL, 1957.  
*Robert L. ...*  
CITY ENGINEER

CURVE DATA: 12

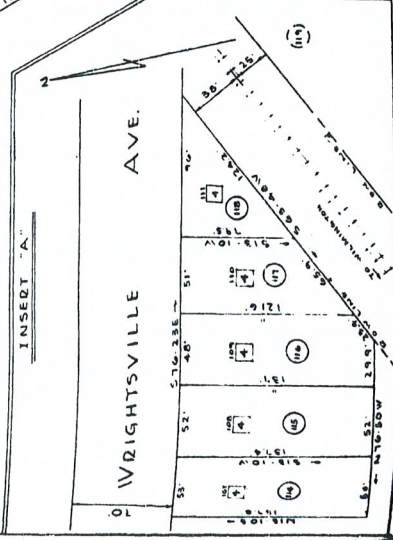
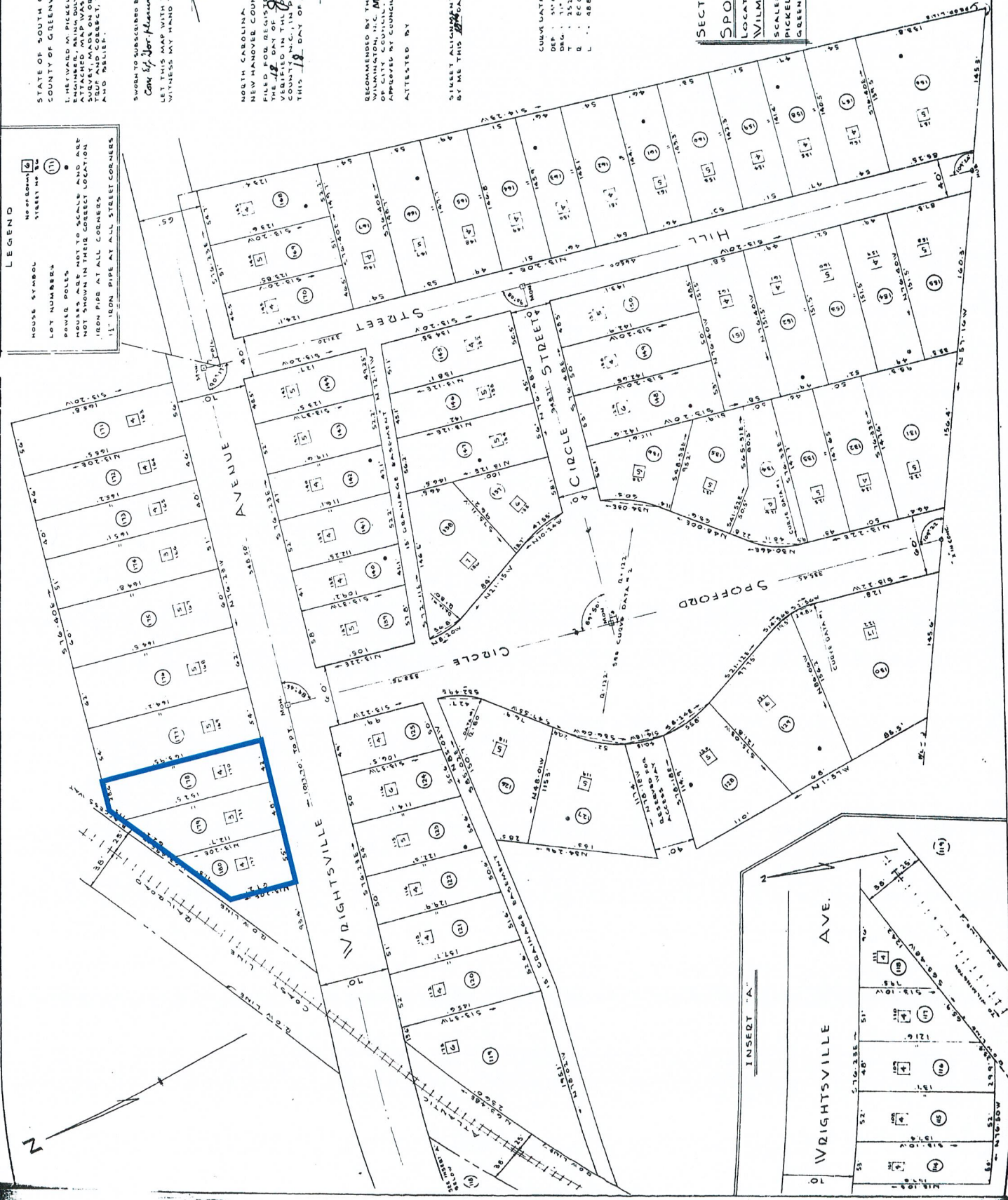
DEP.	11' 00"
DA.	11' 51"
T	35' 22"
Q	22' 55"
L	48' 01"

SECTION 4  
SPOFFORD SUBDIVISION  
LOCATED IN NEW HANOVER CO. IN  
WILMINGTON, N.C.  
SCALE: 1" = 50' DATE: MARCH 30, 1957  
PICKELL AND PICKELL - ENGINEERS  
GREENVILLE - S.C.

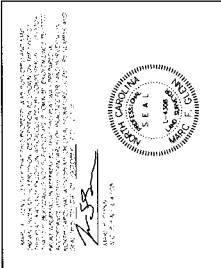
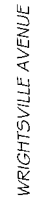
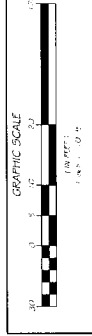
LEGEND

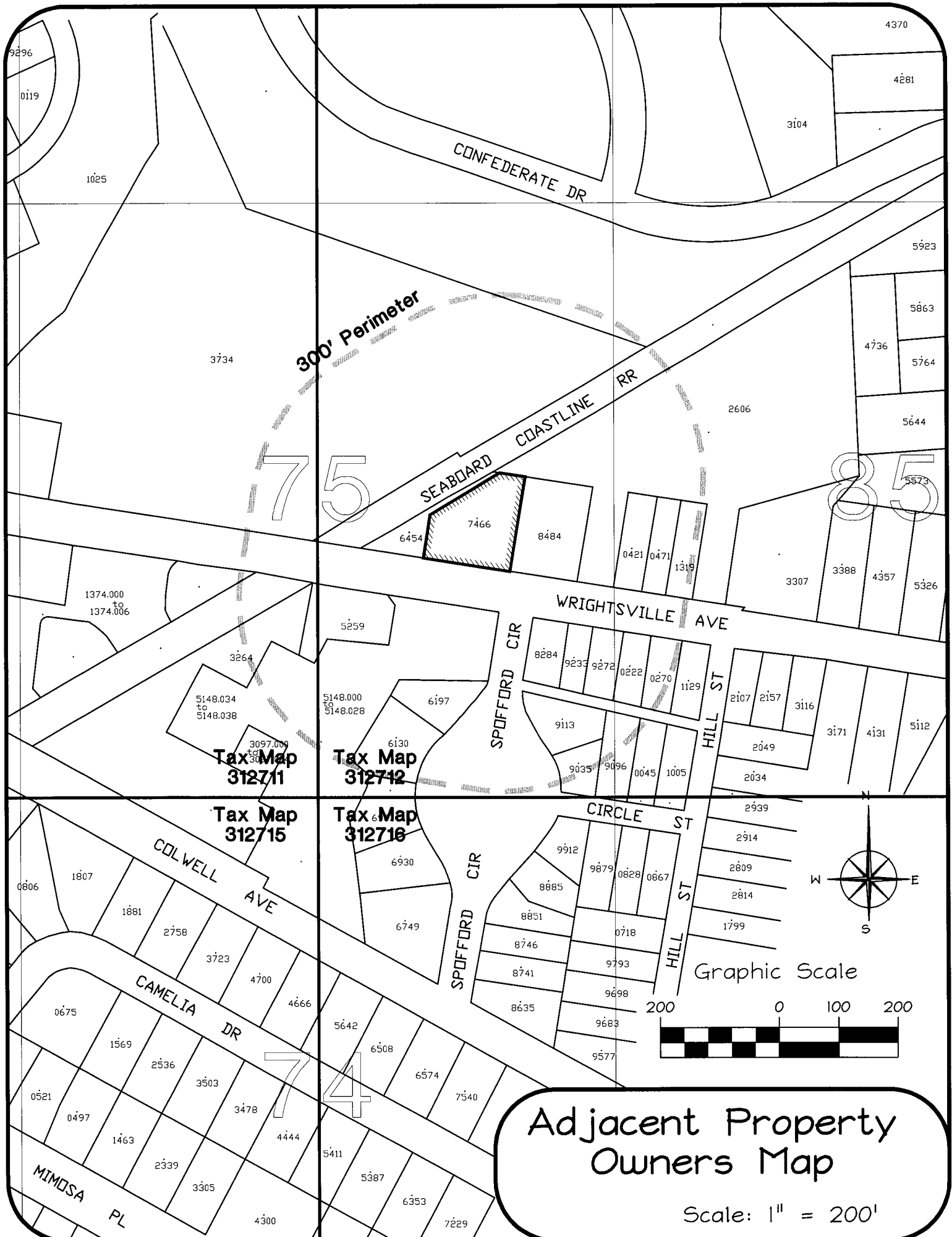
HOUSE SYMBOL  
LOT NUMBERS

POWELL POLES  
HOUSE ARE NOT TO SCALE AND ARE NOT SHOWN IN THEIR CORRECT LOCATION  
IRON PIPES AT ALL CORNERS  
12" IRON PIPE AT ALL STREET CORNERS









Adjacent Property Owners Map

Scale: 1" = 200'



# MISCELLANEOUS CASH PAYMENT

DATE 2-14-20  
 ACCOUNT NUMBER 100003  
 PROJECT NUMBER 500000 NCMA 136  
 NAME JC3 Holdings LLC  
 DESCRIPTION 2323 Wrightsville Ave  
 AMOUNT PAID 810.00

BY: Pat Delaney

City of Wilmington, NC  
 FINANCE  
 PO Box 1810  
 Wilmington, NC 28402-1810  
 (910)341-7822  
 Welcome

001035-0035 Alicia D. 02/14/2020 02:38PM

## MISCELLANEOUS

3 - ZONING / SUBDIVISION  
 FEES (100003)  
 2020 Item: 100003  
 1.00 @ 810.00  
 3 - ZONING /  
 SUBDIVISION FEES  
 (100003)

810.00

810.00

Subtotal 810.00  
 Total 810.00

CHECK 810.00  
 Check Number 01136

Change due 0.00

Paid by: JC3 HOLDINGS LLC

Comments: SPOFFORD MIXED USE  
 JC3 HOLDINGS LLC  
 2323 WRIGHTSVILLE AVE  
 AD

Thank you for your payment

City of Wilmington, NC COPY  
 DUPLICATE RECEIPT

RECEIVED

FEB 14 2020

PLANNING DIVISION

**APPLICATION  
ACCEPTANCE  
FORM**

**REZONING, SPECIAL USE PERMIT,  
CONDITIONAL DISTRICT REZONING,  
LAND DEVELOPMENT CODE AMENDMENT**

City of Wilmington  
Development Services Department  
Planning Division

PO Box 1810 | 305 Chestnut St.  
Wilmington, NC 28402  
Telephone 910.254.0900 | Fax 910.341.3264

The Planning Division has accepted your application for the following case:

LDC Section #: CD / SUP

Case Number: 2323 Wrightsville Ave.

Hearing Date: 4-1-20 PC, 5-19-20 CC

Although this application has been reviewed for completeness and has been accepted by the Planning Division, you may be contacted by Planning Division staff should additional information be required.

You or your agent should attend the hearing. A copy of the staff's recommendation will be provided to the applicant or agent prior to the hearing.

*Pat O'Neil*

Planning Division Staff

2-14-20

Date of Acceptance

*C.W.J.*

Applicant/Applicant's Agent

**RECEIVED**

**FEB 14 2020**

PLANNING DIVISION